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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/798,703	02/12/1997	PAUL L. HICKMAN	NEO1P010A	2768

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EXAMINER

LE, DIEU MINH T

ART UNIT	PAPER NUMBER
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2184

#18

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/798,703

Applicant(s)

HICKMAN et al

Examiner

DIEU-MINH LE

Group Art Unit

21P4

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/01/01
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 21-41 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 21-41 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).
- *Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2184

1. This Office Action is in response to the amendment filed August 06, 2001 in application 09/052,992.
2. Claims 1, 21-41 are again presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 21-41 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al (US Patent 5,568,612 hereafter referred to as Barrett) in view Doyle et al (US Patent 5,838,906 hereafter referred to as Doyle).

This rejection is being applied for the same reasons set forth in the previous Office Action paper number 15, paragraphs 4-6 mailed March 27, 2001.

As per claims 1, 21-41, see the previous office action for the teaching of Barrett and Doyle as well as the reason and motivation for combined.

Applicant's arguments filed October 01, 2001 have been fully considered but they are not deemed to be persuasive.

Art Unit: 2184

Applicant asserts that Barrett in combining with Doyle fail to teach or suggest the following:

4.1 a plurality of host computers connected to a network, each of which is being capable of being remotely controlled by a client computer;

4.2 an advertising publisher computer connected to the network which received advertising information about the availability or capacity of the plurality of host computers;

4.3 a client computer which takes over the functionality of a selected host computer;

4.4 a method for choosing a host machine including providing advertisement information about a plurality of host computer to an advertising machine coupled to a network including availability information and compatibility information;

4.5 the advertiser machine can be searched by a client computer to find a suitable host computer for the client computer;

4.6 the connection of the client computer and the host computer to control the functionality of the host computer;

4.7 providing an advertising machine connected to a network, providing a list of available host computer connected to the network on the advertising machine, and servicing requests

Art Unit: 2184

for the list of available host computers to client machines coupled to the network.

Examiner respectfully transverses Applicant's arguments as follows:

4.1 Firstly, Examiner would like to re-emphasize the Barrett's client server networking system used for advertising and broadcasting information [abstract] to communication devices. Barrett's client server communicates via modem and transponder [fig. 2]. As an ordinary skill in the art can intuitively sees the plurality of computer hosts (PCS) and printer communicates with servers via modem (i.e., remotely communication) [col. 7, lines 25-41].

Besides, Doyle implicitly illustrates a client server networking environment including remotely computer communication link over a wide area network [fig. 5, col. 6, lines 50 through col. 7, lines 20]. It clearly shows that an ordinary skill in the art can apply both Barrett and Doyle's client server networking function/capabilities into the Applicant's invention to performing the controlling a computer over a wide area network

Art Unit: 2184

Secondly, it is clearly that both Barrett and Doyle do this Applicant's argument that is a plurality of host computers connected to a network, each of which is being capable of being remotely controlled by a client computer. Applicant clearly fails to see and understand the basic or fundamental of computer remotely communication with server via TCP/IP protocol in general, and more specifically fail to see the Barrett and Doyle's client and server networking method therein. As illustrated in above paragraph, Examiner would like to again bring Applicant's attention to the Barrett's computer remotely communication with server not just printer but computer host PCS in fig. 2 via modem devices. In addition, Doyle clearly called the remotely computer linkage among hosts and servers [fig. 5].

Thirdly as previously addressed in the Office Action that the combining of Barrett and Doyle do teach the Applicant invention. That is:

Barrett substantially teaches the invention. Barrett teaches:

- a system for accessing a computer over a TCP/IP protocol network [Fig. 1, col. 30, lines 30-45];
- an advertising publisher computer connected to said network which receives advertising information about at

Art Unit: 2184

least the availability of host computer [abstract, col. 2, lines 14-19, col. 57, lines 1-10]

- a client computer operative to receive the advertising information and then control a selected host over the network [abstract, col. 2, lines 30-48].

Doyle explicitly discloses:

- host computer connected to a TCP/IP protocol network [col. 1, lines 45-60] that is capable of being remotely controlled by a client computer [fig. 5, col. 8, lines 56-67, col. 9, lines 1-14].

Therefore, it would have been obvious to an person having ordinary skill in the art at the time the inventions was made first, to realize the Barrett's client server networking system used for advertising and broadcasting information [abstract] to communication devices. Barrett's client server communicates via modem and transponder [fig. 2] as being the host computers connected to a network, each of which is being capable of being remotely controlled by a client computer as claimed by Applicant. This is because the Barrett's client server system does deal with a remotely communication link to and from client and server networking environment; second, one would use the Barrett's to

Art Unit: 2184

modify the client/host systems having an advertising publisher as disclosed by Barrett to including at least one host computer connected to a TCP/IP protocol network as taught by Doyle in supporting the overall system communication access between remote user and the main host computer (i.e., data base sever, other data computer system).

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client/server computer system with a mechanism to enhance the system access, more specifically in allowing the remote computer or client to access the host computer to conducting task specific.

4.2 Firstly, it is totally not true that both Barrett and Doyle fail to show "an advertising publisher computer connected to the network which received advertising information about the availability or capacity of the plurality of host computers". Applicant is referred to look at Barret's fig. 10, 16A, col. 2, lines 13-23, col. 57, lines 33-67]. Barret clearly shows and demonstrate the information being broadcast and advertising to the network such as:

Art Unit: 2184

- first and second network information interleaved [col. 57, lines 51-55];
- network configuration data col. 57, lines 38-42];
- period network intervals [col. 57, lines 51-56];
- socket packet data [col. 58, lines 1-12].

Secondly, Doyle does explicitly show the information being distributed among host or client computer and server networking environment [col. 16, lines 62 through col. 17, line 27].

Thirdly, therefore, it is obviously to an ordinary skill in the art to realize that both Barrett and Doyle do teach the computer advertising information among client/server networking environment. Since these advertising information are such as network configuration data, bandwidth, protocol signaling, network availability, network trouble ticketing, or even SNMP information for network management can be intuitively understood within Barrett and Doyle.

Fourthly, the use of this computer advertising information within the computer networking system is well known to a person

Art Unit: 2184

having ordinary skill in the art and does not require **undue experiment.**

4.3 Firstly, In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., **in claim 1**, a client computer which **takes over the functionality** of a selected host computer) is not recited in the rejected claim. Although the claims is interpreted in light of the specification, limitations from the specification is not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, it is obvious to an ordinary skill in the art to realize the basic and fundamental of client/server with a remotely capability that the take over functionality of a selected host is well know in the art via TCP/IP networking environment. This feature is widely used in allowing a selected computer or host to directly communicate, or viewing other hosts computers, or to re-configurating, or to share data/advertising data among each other. Therefore, the use of this take over

Art Unit: 2184

functionality of a selected host is well known to a person having ordinary skill in the art and does not require **undue experiment**.

Thirdly, Barrett and Doyle can demonstrate this take over functionality via the configuration, command request/response of Barrett [col. 57, lines 1-67] and the host interactively interfacing among remote computer and server of Doyle [abstract] do deal with the take over functionality of a selected host as claimed by Applicant. This is because the Barrett and Doyle do allowing data to be configured, exchanged, and management among host computers and server. Therefore, the combining both Barrett and Doyle do teach the Applicant' invention.

4.4 Firstly, Examiner would like to bring Applicant' attention to Barrett's client server networking system used for advertising and broadcasting information [abstract] to communication devices. Barrett's client server communicates via modem and transponder [fig. 2] and Doyle's a client server networking environment including remotely computer communication link over a wide area network [fig. 5, col. 6, lines 50 through col. 7, lines 20]. This is obvious to an ordinary skill in the art to realize that the combining of Barrett and Doyle can teach the method for choosing

Art Unit: 2184

a host machine including providing advertisement information about a plurality of host computer to an advertising machine coupled to a network including availability information and compatibility information as claimed by Applicant. Since the choosing a host to advertising information are such as network configuration data, bandwidth, protocol signaling, network availability, network trouble ticketing, or even SNMP information for network management can be intuitively understood within Barrett and Doyle's client/server networking as illustrate in above three discussion.

Secondly, Barret's fig. 10, 16A, col. 2, lines 13-23, col. 57, lines 33-67], Barret clearly shows and demonstrate the information being broadcast and advertising to the network such as

- first and second network information interleaved [col. 57, lines 51-55];
- network configuration data col. 57, lines 38-42];
- period network intervals [col. 57, lines 51-56];
- socket packet data [col. 58, lines 1-12].

In addition, Doyle does explicitly show the information being distributed among host or client computer and server

Art Unit: 2184

networking environment [col. 16, lines 62 through col. 17, line 27].

Therefore, the combining with Barrett and Doyle do teach the choosing a host machine including providing advertisement information about a plurality of host computer as claimed by Applicant.

4.5 Firstly, it is totally not true that both Barrett and Doyle fail to show "the advertiser machine can be searched by a client computer to find a suitable host computer for the client computer". Applicant is referred to look at Barret's fig. 10, 16A, col. 2, lines 13-23, col. 57, lines 33-67]. Barret clearly shows and demonstrate the information being broadcast and advertising to the network such as

- first and second network information interleaved [col. 57, lines 51-55];
- network configuration data col. 57, lines 38-42];
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- socket packet data [col. 58, lines 1-12].

Art Unit: 2184

Secondly, Doyle does explicitly show the information being distributed among host or client computer and server networking environment [col. 16, lines 62 through col. 17, line 27].

Thirdly, therefore, it is obviously to an ordinary skill in the art to realize that both Barrett and Doyle do teach the computer advertising information among client/server networking environment. Since these advertising information are such as network configuration data, bandwidth, protocol signaling, network availability, network trouble ticketing, or even SNMP information for network management can be intuitively understood within Barrett and Doyle.

Fourthly, the use of this computer advertising information within the computer networking system is well known to a person having ordinary skill in the art and does not require **undue experiment**.

4.6 Firstly, In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., **in claim 32, the connection of the client computer**

Art Unit: 2184

and the host computer to control the functionality of the host computer) is not recited in the rejected claim. Although the claims is interpreted in light of the specification, limitations from the specification is not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, it is obvious to an ordinary skill in the art to realize the basic and fundamental of client/server with a remotely capability that the take over functionality of a selected host is well know in the art via TCP/IP networking environment. This feature is widely used in allowing a selected computer or host to directly communicate, or viewing other hosts computers, or to re-configurating, or to share data/advertising data among each other. Therefore, the use of this take over functionality of a selected host is well known to a person having ordinary skill in the art and does not require **undue experiment**.

Thirdly, Barrett and Doyle can demonstrate this take over functionality via the configuration, command request/response of Barrett [col. 57, lines 1-67] and the host interactively interfacing among remote computer and server of Doyle [abstract] do deal with the take over functionality of a selected host as

Art Unit: 2184

claimed by Applicant. This is because the Barrett and Doyle do allowing data to be configured, exchanged, and management among host computers and server. Therefore, the combining both Barrett and Doyle do teach the Applicant' invention.

4.7 Firstly, Examiner would like to re-emphasize the Barrett's client server networking system used for advertising and broadcasting information [abstract] to communication devices. Barrett's client server communicates via modem and transponder [fig. 2]. As an ordinary skill in the art can intuitively sees the plurality of computer hosts (PCS) and printer communicates with servers via modem (i.e., remotely communication) [col. 7, lines 25-41].

Besides, Doyle implicitly illustrates a client server networking environment including remotely computer communication link over a wide area network [fig. 5, col. 6, lines 50 through col. 7, lines 20]. It clearly shows that an ordinary skill in the art can apply both Barrett and Doyle's client server networking function/capabilities into the Applicant's invention to performing the controlling a computer over a wide area network and providing an advertising machine connected to a network, providing a list of available host computer connected to the network on the advertising machine, and servicing requests for

Art Unit: 2184

the list of available host computers to client machines coupled to the network.

Secondly, it is clearly that both Barrett and Doyle do this Applicant's argument that is a plurality of host computers connected to a network, each of which is being capable of being remotely controlled by a client computer. Applicant clearly fails to see and understand the basic or fundamental of computer remotely communication with server via TCP/IP protocol in general, and more specifically fail to see the Barrett and Doyle's client and server networking method therein. As illustrated in above paragraph, Examiner would like to again bring Applicant's attention to the Barrett's computer remotely communication with server not just printer but computer host PCS in fig. 2 via modem devices. In addition, Doyle clearly called the remotely computer linkage among hosts and servers [fig. 5].

Thirdly, it would have been obvious to a person having ordinary skill in the art at the time the inventions were made first, to realize the Barrett's client server networking system used for advertising and broadcasting information [abstract] to communication devices. Barrett's client server communicates via modem and transponder [fig. 2] as being the host computers

Art Unit: 2184

connected to a network, each of which is being capable of being remotely controlled by a client computer as claimed by Applicant. This is because the Barrett's client server system does deal with a remotely communication link to and from client and server networking environment; second, one would use the Barrett's to modify the client/host systems having an advertising publisher as disclosed by Barrett to including at least one host computer connected to a TCP/IP protocol network as taught by Doyle in supporting the overall system communication access between remote user and the main host computer (i.e., data base sever, other data computer system).

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client/server computer system with a mechanism to enhance the system access, more specifically in allowing the remote computer or client to access the host computer to conducting task specific.

Fourthly, Applicant is referred to look at Barret's fig. 10, 16A, col. 2, lines 13-23, col. 57, lines 33-67]. Barret clearly shows and demonstrate the information being broadcast and advertising to the network such as

Art Unit: 2184

- first and second network information interleaved [col. 57, lines 51-55];
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- period network intervals [col. 57, lines 51-56];
- socket packet data [col. 58, lines 1-12].

In addition, Doyle does explicitly show the information being distributed among host or client computer and server networking environment [col. 16, lines 62 through col. 17, line 27].

Therefore, it is obviously to an ordinary skill in the art to realize that both Barrett and Doyle do teach the computer advertising information among client/server networking environment. Since these advertising information are such as network configuration data, bandwidth, protocol signaling, network availability, network trouble ticketing, or even SNMP information for network management can be intuitively understood within Barrett and Doyle.

Art Unit: 2184

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